

COPY

Attorney's Docket No. : 9056-5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Mailland, F.

Serial No.: 09/454,364

Group Art Unit: 1614

Filed: December 3, 1999

For: **METHODS FOR MAKING SUSTAINED-RELEASE  
PHARMACEUTICAL COMPOSITIONS OF ERGOT  
ALKALOIDS HAVING IMPROVED BIOAVAILABILITY  
AND COMPOSITIONS THEREOF**

Date: January 28, 2000

Assistant Commissioner for Patents  
Washington, DC 20231

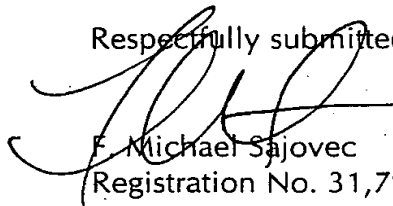
SUBMITTAL OF DECLARATION  
UNDER 37 C.F.R. §1.63

Sir:

Enclosed is a Declaration and Power of Attorney for the above-identified application which has been executed by the named inventors.

A check in the amount of \$65.00 is also enclosed to cover the surcharge under 37 C.F.R. §1.16(e). Any additional fee or credit may be charged to our Deposit Account No. 50-0220 .

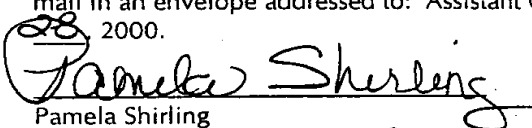
Respectfully submitted,

  
F. Michael Sajovec  
Registration No. 31,793

Customer No. 20792  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone (919) 854-1400  
Facsimile (919) 854-1401

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, DC 20231, on January 28, 2000.

  
Pamela Shirling

Date of Signature: January 28 2000

COPY

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket No. 9056-5

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled ***Methods for Making Sustained-Release Pharmaceutical Compositions of Ergot Alkaloids Having Improved Bioavailability and Compositions Thereof***,

the specification of which

☐ is attached hereto

OR

☒ was filed on 3 December 1999 as United States Application No. \_\_\_\_\_  
or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

None			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

None	
Application Number(s)	Filing Date (MM/DD/YYYY)

Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application (37 C.F.R. § 1.63(d)).

None		
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**Customer Number 20792**

**Send correspondence to:**

**F. Michael Sajovec  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, NC 27627**

Direct telephone calls to:

**F. Michael Sajovec**  
(919)854-1400

Facsimile:

(919) 854-1401

Full name of sole inventor: Federico Mailland

Inventor's  
Signature: \_\_\_\_\_

re: John's Hurling Date: Dec. 10<sup>th</sup> 1996

Date:

Dec. 10<sup>th</sup> 1949

**Residence:**

Milano, Italy

**Citizenship:**

Italy

**Post Office Address:**

Via San Marco 24  
20121 Milano ITALY

[illegible]

To the Honorable Commissioner of Patents and Trademarks:

January 28, 2000  
Attorney Dkt: 9056-5

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Federico Mailland

2. Name and address of receiving party(ies):

POLICHEM S.A.  
50 Val Fleuri  
L-1526 Luxembourg

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment  
☐ Merger  
☐ Security Agreement  
☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: December 10, 1999

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application Serial No. 09/454,364 Patent No. \_\_\_\_\_

If this document is being filed together with a new application, the execution date of the application is: December 10, 1999 ...

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

F. Michael Sajovec  
Myers Bigel Sibley & Sajovec  
P. O. Box 37428  
Raleigh NC 27627

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$40.00  
☒ Enclosed  
☐ Authorized to be charged to deposit account

8. Deposit account number: \_\_\_\_\_

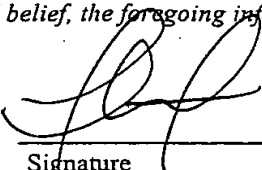
DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

F. Michael Sajovec - 31.793

Name of Person Signing

  
Signature

JAN 28, 2000

Date

Total number of pages including cover sheet, attachments and document: 3

## ASSIGNMENT

THIS ASSIGNMENT, made by me, **Federico Mailland**, a citizen of the Italy, residing at Via San Marco 24, 20121 Milano, Italy,

WITNESSETH: That,

WHEREAS, I am the sole inventor of certain new and useful improvements in *Methods for Making Sustained-Release Pharmaceutical Compositions of Ergot Alkaloids Having Improved Bioavailability and Compositions Thereof* for which an application for United States Letters Patent has been filed in the United States Patent and Trademark Office. I hereby authorize and request my attorney, (Myers Bigel Sibley & Sajovec, P.A., to insert here in parentheses (Application No. 09/454,364, filed December 10, 1999 ) the filing date and application number of said application when known; and

WHEREAS, POLICHEM S.A., a Luxembourg corporation having a principal place of business at 50 Val Fleuri, L-1526 Luxembourg, hereinafter referred to as assignee, is desirous of acquiring the entire right, title, and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I have sold and by these presents do hereby sell, assign, transfer, and convey unto the said assignee, its successors and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted, together with the right to claim the priority of said application in all foreign countries in accordance with the International Convention, the same to be held and enjoyed by said assignee, its successors, and assigns, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

I hereby request that said Letters Patent be issued in accordance with this assignment.

I further covenant and agree that, at the time of the execution and delivery of these presents, I possess full title to the invention and application above-mentioned, and that I have the unencumbered right and authority to make this assignment.

I further covenant and agree to bind my heirs, legal representatives, and assigns promptly to communicate to said assignee or its representatives any facts known to me relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 10<sup>th</sup> day of December, 1944.

Federico Mailland (SEAL)  
FEDERICO MAILLAND

Barbara Cook WITNESS

Ruth W. W. W. WITNESS